

REMARKS

In this Amendment, Applicant has cancelled Claims 1 – 23 without prejudice or disclaimer and added new Claims 24 – 27. Claims 24 – 27 have been added to overcome the rejection and specify different embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the added claims. In addition, it is respectfully submitted that the specification has been amended to correct a clerical error on page 16, line 1 of the specification, where delivery unit 243 has been corrected to delivery unit 244. The support can be found in Fig. 5. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAPGRAPH:

Claim 9 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejection has been overcome by the present amendment. More specifically, Claim 9 has been cancelled. Thus, the rejection is moot. In addition, the new Claims 24 – 27 particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 3, 6 – 8, and 13 – 15 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Yukie et al. (US 6,956,833), hereinafter Yukie.

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. More specifically, Claims 1 – 3, 6 – 8, and 13 – 15 have been cancelled. Thus, the rejection is moot. In addition, the new Claims 24 – 27 define the features that are not disclosed or suggested by Yukie. The support of the amendment can be found throughout the specification, for example Figs 5 – 6.

In particular, Claim 24 defines an order terminal and a delivery center. Via the order terminal 21, a user selects data to be downloaded to a user memory 201 carried by the user or a package medium for content data that the user wants to buy, as disclosed in page 13, lines 27 – 33. The delivery center 24 includes: an order-accepting unit 242 to accept an order placed by the user for the package medium when the user selects the package medium via the order terminal 21; a stock-managing unit 243 to check whether there is a stock of the package medium, and a delivery unit 244 to deliver the package medium to a user's designated place when there is a stock, as disclosed in page 14, line 12 to page 16, line 5.

In Claim 25, when the user places an order to buy both data to be downloaded to the user memory 201 and a package medium for content data, the order terminal 21 communicates with the server 22 to download the data to the user memory 201, as disclosed in page 16, line 28 to page 17, line 4, and further communicates with the delivery center 24 for package delivery like defined in claim 24.

In addition, the method Claims 26 and 27 correspond to the apparatus Claims 24 and 25, respectively.

It is respectfully submitted that Yukie does not disclose nor teach the system or procedure for user selection between data to be downloaded to a user memory carried by a user and a package medium for content data, order placement, order acceptance, stock check and delivery of the package medium (when the user selects this), as defined in the new Claims 24 and 26.

Moreover, Yukie does not disclose nor teach the system or procedure for purchase of both data to be downloaded to a user memory carried by a user and a package medium for content data, through downloading and delivery, as defined in Claims 25 and 27.

Therefore, the newly presented claim is not anticipated by Yukie and the rejection under 35 U.S.C. § 102 (e) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (e) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 9 and 19 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yukie in view of Ogino et al. (US 6,499,425), hereinafter Ogino. Claims 4 – 5, 10 – 11, 16 – 17, and 20 – 22 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yukie in view of Agraharam et al. (US 6,035,339), hereinafter Agraharam. Claims 12 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Yukie in view of Agraharam and further in view of Ogino.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over the cited prior art references. Claims 4 – 5, 9 and 16 – 23 have been cancelled without prejudice or disclaimer. Thus, the rejection to these claims is moot. In addition, as indicated above, there are significant differences between the embodiments of the present invention as defined in new Claims 24 – 27 and the disclosures in Yukie.

Furthermore, it is respectfully submitted that Agraharam and Ogin do not disclose nor teach the system or procedure for user selection between data to be downloaded to a user memory carried by a user and a package medium for content data, order placement, order acceptance, stock check and delivery of the package medium (when the user selects this), as defined in the new Claims 24 and 26.

Moreover, Agraharam and Ogin do not disclose nor teach the system or procedure for purchase of both data to be downloaded to a user memory carried by a user and a package medium for content data, through downloading and delivery, as defined in Claims 25 and 27.

In summary, it is respectfully submitted that there is no motivation to combine Yukie with Agraharam and/or Ogin. Even if they are combined, they will not render the present claimed invention obvious and such combination will not be operable as defined in the present invention. Thus, one of ordinary skill in the art would not discern the present invention as claimed at the time of its invention.

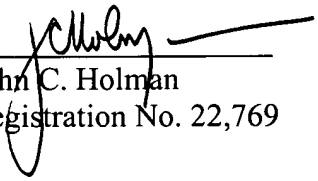
Therefore, the rejection under 35 U.S.C. §103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. §103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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